

Remarks

This amendment is in response to the Office Action of June 17, 2003. In the Office Action, the Examiner rejected claims 1-5 and 7-10 and objected to claim 6.

The Examiner first rejected claim 35 USC 102(b) as been anticipated by *Porter* '176.

The Examiner next rejected claims 2-5 under 35 USC 103(a) as being unpatentable over *Porter* '176 in view of *Cheal* '364.

The Examiner next rejected claim 7 under 35 USC 103(a) as being unpatentable over *Porter* '176 in view of *Schroeder et al.* '606.

The Examiner next rejected claim 8 under 35 USC 103(a) as being unpatentable over *Porter* '176 in view of *Schroeder et al.* '606 as applied to claim 7, and further in view of *Boyer* '829 and *Hosaka et al.* '799.

The Examiner next rejected claim 9 under 35 USC 103 (a) as being unpatentable over *Schroeder et al.* '606 in view of *Boyer* '829, *Hosaka et al.* '799 and *Fleming* '759.

The Examiner next rejected claim 10 under 35 USC 103(a) as being unpatentable over *Schroeder et al.* '606 in view of *Boyer* '829, *Hosaka et al.* '799, *Fleming* '759 as applied to claim 9, and further in view of *Porter* '176.

Porter describes a vehicle body hood hinge for a road vehicle. It is clear that the *Porter* specification describes a hood hinge arrangement for a road vehicle because the hood hinge is arranged for safety in the case of vehicle frontal impact. This is made clear at column 1, lines 8-14 and column 3, lines 15-

25. Generally, a tractor that is adapted to utilize a loader bucket is not designed with a frontal impact design criteria such as would be a design criteria for a road vehicle. Such tractors typically operate in open areas, at slower than roadway speeds. The inclusion of the tractor hood as an element of the claim overcomes this rejection.

Schroeder and *Cheal* are also directed to road vehicles such as automobiles. *Schroeder* describes an automobile hood and recites that reducing weight of automobile panels is the object of the invention, particularly by forming the hood by a laminate of materials, column 1, lines 21-30. *Cheal* also describes a hinge assembly for an automobile, particularly for use in a car trunk arrangement, column 1, line 7; column 1, lines 10-17; column 2, lines 48-49. *Fleming* describes an automobile bumper such as for use on a FORD SIERRA automobile, column 1, lines 15-16. *Hosaka et al.* describes a riding mower.

The design criteria for designing hoods for automobiles or riding mowers are not applicable to tractors of the size and type that can be equipped with a front end loader bucket. The hoods of such tractors must have a substantial impact and dent resistance because of the possibility of excavation materials impacting on the hood from the bucket. Applicant has also recognized that vacuum-formed polypropylene material provides such strong impact and dent resistance. Weight reduction of the hood is not a primary object in tractor design, where weight can be an advantage in excavating and for traction. One of skill in the art in designing and engineering hood assemblies for a tractor of a size and

type to be equipped with a loader bucket would not consider these references pertinent or combinable to reject the above claims under 35 USC 103.

A need has been ascertained, to which this invention is addressed, for an improved hood for a tractor, particularly for a tractor that has a front end loader bucket. Accordingly, a hinge assembly hinging the hood near its back end, so that the hood can open upwardly and backwardly without interfering with adjacent structures of the utility vehicle is provided. The invention of claim 1 sets forth a hinge assembly for hinging the tractor hood on the tractor body so as to enable the hood to open upwardly and backwardly from the front end of the tractor, the hinge assembly comprising a double-rocker, four-link mechanism, including a bracket comprising one link, the bracket being mounted to an underside of the tractor hood, near a back end of the tractor hood.

Such an arrangement is not shown for tractors having front end loader buckets in the art of record and therefore claim 1 and dependent claims 2-5, 7 and 8 should all be allowable.

Since the cited references do not concern tractors having front end loader buckets, Applicant asserts that the requisite suggestion for combining or modifying references cannot be met. Furthermore, as admitted prior art, NEW HOLLAND tractors having front end loader buckets have had single pivot, aluminum hinge bracket adhesively secured to the underside of an SMC (a non-polypropylene polymer) material tractor hood, at a rear position of the hood, the hood opening up from the front rearward. Applicant has recognized that vacuum-formed polypropylene material for the hood provides strong impact and dent

resistance. Applicant has recognized that a steel hinge bracket can be secured to such material with an adhesive. The combination set forth in claims 9 and 10 can not be rendered obvious over these references without impermissible hindsight reconstruction by the Examiner.

Claim 9 should be allowable, as should dependent claim 10.

Such materials have also not been used with a four bar linkage hinge arrangement. Claims 7 and 8 should also be allowable therefore.

The Examiner objected to claim 6 as being dependent upon a rejected base claim but indicated its allowability if rewritten in independent form including all the limitations of the base claim and any intervening claims.

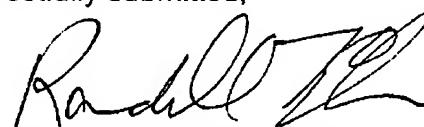
Applicant acknowledges this allowance with appreciation. Claim 6 has been amended accordingly.

Applicant has added new dependent claims 11-15 which should all be allowable as well.

Applicants assert that all claims are now in condition for allowance.

OFFICIAL

Respectfully submitted,

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